

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of T' AARON TYRONE ALLEN,
DEMERIUS DEARRIEN ALLEN, MORIAH
DARSHAY TATE, and THEODORE ROOSEVELT
DAWSON III, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

TWILA ALYCE ALLEN,

Respondent - Appellant.

UNPUBLISHED

August 18, 2000

No. 222063

Wayne Circuit Court

Family Division

LC No. 93-307790

Before: Bandstra, C.J., and Gage and Wilder, JJ.

PER CURIAM.

Respondent-appellant Twila Alyce Allen appeals by right from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g) and (j). We affirm.

Upon review of the record, we find that the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Trejo Minors*, ___ Mich ___; ___ NW2d ___ (Docket No. 112528, decided July 5, 2000), slip op p 17; *In re Sours*; 459 Mich 624, 633; 593 NW2d 520 (1999). The record reveals that after six years of unsuccessful efforts toward complying with her treatment plan, the conditions that led to adjudication continued to exist and there was no reasonable likelihood that respondent would rectify those conditions within a reasonable time considering the children's ages. MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). In particular, while respondent made some initial efforts to find adequate housing, she failed to obtain and maintain suitable housing for the children by the time of the termination proceeding. In addition, the record shows that respondent sporadically visited the children at best. On numerous occasions, she did not attend the scheduled visitations, offered a number of excuses for her absence or tardiness and often did not call to report that she could not make it to the

visitation. Further, during the supervised visits that respondent did attend, reports indicated that she was unable to control all the children, did not demonstrate proper disciplining, often used profanity and inappropriate language in the children's presence, and seemed generally overwhelmed with the responsibility of so many children. Therefore, we conclude that termination of respondent's parental rights was proper under § 19b(3)(c)(i).¹

Further, the family court's assessment of the best interests of the children was not clearly erroneous. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, *supra* at slip op p 18. The record shows that respondent seemed to genuinely love her children and made some progress in her treatment plan over the years. However, in light of the children's special needs and behavioral problems, in conjunction with respondent's demonstrated unwillingness over a six-year period to accept responsibility for her children's needs or meaningfully participate in mental health counseling or domestic violence therapy, the family court did not err in finding that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Affirmed.

/s/ Richard A. Bandstra

/s/ Hilda R. Gage

/s/ Kurtis T. Wilder

¹ Because the family court properly terminated respondent's parental rights under subsection 19b(3)(c)(i) and only one statutory ground for termination must be established in order to terminate parental rights, we need not decide whether termination was also proper under subsections 19b(3)(a)(ii), (g) and (j). *In re Trejo Minors*, ___ Mich ___; ___ NW2d ___ (Docket No. 112528, decided July 5, 2000), slip op pp 9, 21; *In re Huisman*, 230 Mich App 372, 384-385; 584 NW2d 349 (1998). In any event, our review of the record reveals that termination pursuant to those other grounds was also proper.